



PLANNING COMMISSION

Department of Urban Planning & Design • P.O. Box 27210 • Tucson, AZ 85726-7210

DATE: February 7, 2007

TO: Planning Commission
Albert F. Elias

FROM: Albert F. Elias, AICP
Executive Secretary

SUBJECT: Proposed Neighborhood Preservation Zone Land Use Code Amendment

Issue: The proposed *Land Use Code (LUC)* amendment is scheduled on the agenda tonight as a public hearing before the Planning Commission. The Neighborhood Preservation Zone (NPZ) is part of an infill strategy that attempts to ensure that new infill development is compatible with surrounding neighborhoods.

Recommendation: - Staff recommends that the Planning Commission forward the amendment to the Mayor and Council with a recommendation to adopt.

Background: - The proposed *LUC* amendment was discussed with the Planning Commission on January 18, 2007 in a study session. Staff explained that the NPZ is the first of three *LUC* amendments proposed as part of an overall infill development strategy. Staff presented a brief overview of the proposed amendment, the new development standard and the associated process.

During the study session the Planning Commission asked questions and made suggestions for minor changes to the draft amendment. The Commission questioned whether the amendment could be used to limit or remove property rights and how the passage of Proposition 207 may affect the implementation of the amendment. Legal staff explained that there have not been any challenges to Proposition 207.

Because the NPZ is so versatile in its application, the Commission questioned how staff would track the NPZs once approval was obtained. Staff explained that the NPZ is the enabling legislation required to implement a Neighborhood Preservation Program and is intended to be tailored to the specific needs of individual neighborhoods. As proposed, the NPZ would be processed in the same manner, as any other zoning clearance required by the *LUC*. Once rezoning to the NPZ is approved, the zone classification would be incorporated into the *LUC* and indicated on the zoning map. The NPZ map and the corresponding Neighborhood Preservation Plan will also be available on the Department of Urban Planning and Design website.

In addition to minor editorial revisions, the Commission asked that staff clarify the role of the Director of Urban Planning and Design in the review of the Neighborhood Preservation Program.

Amendment: - The proposed Neighborhood Preservation Zone (NPZ) establishes a zoning classification that will allow for the subsequent designation of an overlay zone that may contain regulations which supplement or replace the development regulations of the underlying zoning. The NPZ is proposed as a tool to preserve characteristics unique to a neighborhood by creating a specific set of regulations for new development within the zone. Establishing a NPZ is a two-step

process. First, is the preparation of a Neighborhood Preservation Program (NPP) which identifies the characteristics to be preserved. Second is the rezoning process, which creates the NPZ, and implements the NPP. As part of the NPZ amendment, a new Development Standard has also been created to provide applicant guidance and instruction in preparing the Neighborhood Preservation Program and the Neighborhood Preservation Zone application. A copy of the proposed amendment and the new development standard are included as Attachment A and Attachment B respectively.

As proposed, a NPZ may be initiated by 1) a private property owner within the proposed NPZ; 2) the adoption of an Area or Neighborhood Plan that supports the use of the NPZ to achieve plan goals; or, 3) an action of the Mayor and Council. If a private property owner initiates the NPZ, the applicant's property must be located in the proposed NPZ. In addition, a petition signed in support by 25% of the property owners located within the proposed NPZ, is required as part of the application.

The Neighborhood Preservation Program identifies the: 1) particular neighborhood characteristics that are to be preserved, 2) development regulations necessary to implement the program and, 3) development criteria and regulations that will apply within the NPZ. Specific development criteria established to apply within the NPZ would supplement and/or supercede those established in the underlying zoning. The development criteria may be established for such things as lot size, landscaping, building heights, lot coverage, accessory structures and other criteria.

The NPZ is a rezoning which is considered by the Zoning Examiner at a public hearing for recommendation to the Mayor and Council. Rezoning goes through the Zoning Examiner Legislative Procedure contained in the *LUC*. The NPZ process is outlined below:

- Pre-application conference with City staff
- Neighborhood meeting (15-60 days prior to application submittal)
- Submit Application (includes Neighborhood Preservation Program (NPP) as part of application)
 1. Fill out application (to be created)
 - a.) confirm property ownership
 - b.) narrative explaining what is requested and why
 - c.) a map illustrating the overlay boundaries
 2. Submit NPP with following:
 - a.) Map
 - b.) Special characteristics analysis
 - c.) Proposed development regulations and development review & notice procedures (if applicable)
 3. Submit 25% property owner petition
- Staff & review agency review. DSD Director's recommendation (not less than 15 days prior to public hearing)

- Public hearing notice (not less than 15 days or more than 30 days prior to hearing to each property owner w/in 300 feet & neighborhood associations within 1 mile)
- Zoning Examiner's public hearing (within 70 days of acceptance of the application)
- Public hearing notice (not less than 15 days prior to hearing)
- Mayor & Council consideration

Conclusion: - The proposed Neighborhood Preservation Zone attempts to establish a part of an infill strategy that creates compatible development in and near existing neighborhoods. Through supplemental and replacement regulations the new zone tries to address existing and future inappropriate development in or near neighborhoods. This type of zone has been used throughout the country to help preserve the character of distinctive neighborhoods.

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Attachments:

Attachment A – Proposed NPZ – *LUC* Amendment

Attachment B – Proposed Development Standard